

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.)
)
 Plaintiffs)
)
 v.)
)
 TYSON FOODS, INC., et al.)
)
 Defendants)

Case No. 4:05-cv-00329-GKF-SAJ

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS
TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.
AND COBB-VANTRESS, INC. TO THE SECOND AMENDED COMPLAINT**

Defendants Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., and Cobb-Vantress, Inc. (collectively the “Tyson Defendants”), by and through their undersigned counsel, for their Answer and Affirmative Defenses to Plaintiffs’ Second Amended Complaint (“Complaint”) state as follows:

I. NATURE OF THE CASE

1. The allegations in Paragraph 1 of the Complaint state conclusions of law to which no response is required. To the extent a response is required, the Tyson Defendants state that during the relevant years Cobb-Vantress, Inc. was engaged in the business of breeding chickens, developing chicken genetics, producing chicken eggs, hatching eggs and producing breeding chickens. Tyson Poultry, Inc. and Tyson Chicken, Inc. were engaged in the business of breeding chickens, producing chicken eggs, hatching eggs, producing chickens for human consumption, processing chickens, and selling processed chicken products. The Tyson Defendants further state that some of the Tyson Defendants contracted with independent contractor farmers to raise chickens and those independent-contractor farmers owned their own lands, agricultural

Defendants state that the letter speaks for itself and the Tyson Defendants refer the Court to the letter.

67. The Tyson Defendants deny the allegations in Paragraph 67.

68. The allegations in Paragraph 68 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 68.

V. CAUSES OF ACTION

A. Count 1: CERCLA Cost Recovery - 42 U.S.C. § 9607

69. The Tyson Defendants hereby incorporate by reference, as though fully set forth herein, their previous responses to the allegations in the preceding paragraphs of the Complaint.

70. The allegations in Paragraph 70 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 70.

71. The allegations in Paragraph 71 of the Complaint are too vague for the Tyson Defendants to admit or deny. Moreover, the allegations in Paragraph 71 state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 71.

72. The allegations in Paragraph 72 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 72.

73. The allegations in Paragraph 73 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 73.

74. The allegations in Paragraph 74 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 74.

75. The allegations in Paragraph 75 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 75.

76. The allegations in Paragraph 76 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 76.

B. Count 2: CERCLA Natural Resources Damages — 42 U.S.C. § 9607

77. The Tyson Defendants hereby incorporate by reference, as though fully set forth herein, their previous responses to the allegations in the preceding paragraphs of the Complaint.

78. The allegations in Paragraph 78 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants lack sufficient knowledge or information to admit or deny the allegations in Paragraph 78.

79. The allegations in Paragraph 79 of the Complaint state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 79.

80. The allegations in Paragraph 80 of the Complaint are too vague for the Tyson Defendants to admit or deny. Moreover, the allegations in Paragraph 80 state conclusions of law to which no response is required. To the extent that a response is required, the Tyson Defendants deny the allegations in Paragraph 80.

81. The allegations in Paragraph 81 of the Complaint state conclusions of law to

CERTIFICATE OF SERVICE

I certify that on the 15th day of August, 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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